IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 163 OF 2003

Shri Madan V. Prabhu,
major in age, r/o
H 3, Reachfield
Apartments, Feira
Alto, Mapusa, Goa. ... Petitioner.

Versus

Shri Umesh V. Prabhu,
major in age, r/o
Hotel Diamond
International, Vagator,
Bardez, Goa. ... Respondent.

Mr. V. P. Thali, advocate for the petitioner.

Respondent in person.

CORAM : S. J. VAZIFDAR, J.

DATE : 10th April, 2003.

ORAL JUDGMENT

Rule returnable forthwith. By consent taken up for final hearing.

It appears that after 1996 the matter had not been adjourned for the convenience of the petitioner's counsel. In fact, the application for adjournment was not even opposed by the defendant/respondent's counsel who left it to the Court.

2. A grievance is made by the respondent that the matter has been delayed for many years by the petitioner only to harass the respondent. This is a fight between two brothers. In the facts and circumstances of the case the interests of justice would be met by permitting the

petitioner one more opportunity. Mr. Thali, learned counsel for the petitioner agrees that no application for adjournment on the ground of convenience of the petitioner's counsel shall be made henceforth.

3. In the circumstances, the impugned Order is set aside and the petitioner is permitted to cross-examine P.W.1. Rule made absolute. The petitioner shall pay the costs of this petition to the respondent fixed at Rs.1,000/-(rupees one thousand only) within one week from today, as a condition precedent.

S. J. VAZIFDAR, J.

mc.